

Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
DATE: March 15, 2022
TIME: 10:00 a.m.

A regularly scheduled open public meeting of the Subcommittee of the Massachusetts Board of Registration of Embalmers and Funeral Directors (“the Board”) was held via Videoconference and Conference Call.

Board Members Present:

Paul Phaneuf
Patrick Driscoll
David Brezniak
Janet Leombruno

Staff Members Present:

Thomas F. Burke, Executive Director
Peter M. Kelley, Board Counsel

Board Members Not Present:

Richard Gormley

Call to Order:

Mr. Phaneuf called the meeting to order at 10:08 a.m. Evacuation procedures were tabled. Mr. Burke advised members of the public to mute volume and utilize hand function to address the Board.

Review of Minutes:

The Board reviewed staff prepared public session minutes of the meeting held on February 15, 2022.

Ms. Leombruno moved to approve the February 15, 2022 Board minutes. Mr. Brezniak seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Not Present.”, Ms. Leombruno: “Yes.”.

Report from Executive Director, Thomas Burke:

Preneed Reports

Mr. Burke reported that approximately ten funeral establishments have not complied with preneed reporting requirements. He will prepare referral forms for the Office of Investigations and cross reference to determine if there are prior sanctions for preneed violations. He will present these cases to the Board for review.

Meeting Report on Scope of Practice and Regulations

Attorney Kelley and Director Burke met with former Board member, Kim Perry, of Cherry Place Home of Memorial Tribute in Fall River on March 3, 2022. Ms. Perry presented four issues for discussion. First, she requested the Board’s input on supporting

a change in legislation to separate the funeral director from the embalmer registration. She noted that fewer than 50 states have a unitary license and only 45% of dispositions involve embalming. She stated that many people have the background and training to be good funeral directors but do not want to embalm. Attorney Kelley pointed out that the unity of the funeral director and embalmer registration is a statutory requirement that the Board does not have the authority to change. Second, she requested that the Board consider the creation of a funeral home manager in place of a Type 3 funeral director to allow for a more orderly change in management without entailing a change in the ownership interest. Third, she suggested a change to the new establishment license requirement (and the ADA compliance component) for the sale of the real estate establishment that does not create a change in the ownership requirement. Her point is that if the same corporation will maintain ownership of the establishment with a change in the 51% type 3 ownership to another 51% type 3 who is an agent of the same corporate interest, the ADA upgrade requirement should be waived. Finally, Ms. Perry questioned whether funeral establishments might serve alcohol at social events hosted by the funeral establishment. Attorney Kelley responded that alcohol use at funeral establishments is proscribed by 239 3.11 (3) (a).

Report on Administratively Approved License Registrations

Report on Administratively Approved Continuing Education Course Providers

Mr. Burke reported that the following applicants and continuing education course offerings have been administratively approved:

EM Board Licensed Registrants

Marissa Sciaraffa (51344-EM-6) at Stanetsky-Hymanson Home in Salem on February 25, 2022.

James Acciardo (51347-EM-6) at Ascher-Zimmerman Home in Springfield on March 7, 2022.

Laura Hewey (51349-EM-6) at Badger Funeral Home in Littleton on March 14, 2022.

Joshua Adams (51348-EM-3) at Firtion Adams Funeral Service in Westfield on March 14, 2022.

Continuing Education Courses

National Funeral Directors Association (NFDA)

2022 NFDA Embalming & Restorative Arts Seminar – April 28-29, 2022 – Pittsburgh, PA	9.50 Hours
Communicating with Today’s Customer – April 4, 2022 – Philadelphia, PA	3.00 Hours
2022 Annual All-Staff FTC Training – June 9, 2022, online seminar	2.00 Hours
From Donation to Goodbye – April 7, 2022, online	1.00 Hours
Practical Ideas for the Caregiver Community – June 15, 2022, online	1.00 Hours
Workplace Safety: Upside Potential and Downside Risk – April 14, 2022, online	1.00 Hours

NFDA Home Study Programs – DVDs with study guides & Books/Home Readings

Bereavement Groups and The Role of Social Support	8.00 Hours
Control of the Conversation: How to Charm, Deflect and Defend Your Position through Any line of Questioning	4.00 Hours
Customer Service Revolution	4.00 Hours
Disrupt Yourself	4.00 Hours
Embalming and Renal Failure: A Silent Danger for Embalmers	4.00 Hours
Embalming Standards of Care	6.00 Hours
The Essential HR Handbook – A Quick and Handy resource for Any Manager or HR Professional	4.00 Hours
Thrive: Strategies to Turn Uncertainty to Competitive Advantage	6.00 Hours
2021 Annual All-Staff FTC Training	3.00 Hours
A Radically Simple Blueprint for Success and Growth	2.00 Hours
A Reimagined Funeral and Cemetery Profession	2.00 Hours
Connecting with the LGBTQ Community	2.00 Hours
Cremation Litigation: How to Avoid the Courtroom &What to Do When You Can't	2.00 Hours
Final Acts of Care Following the Death of a Child	2.00 Hours
Is It Sexual Harassment?	3.00 Hours
It's Not Just a Cremation	2.00 Hours
The Delicate Balance of Your Family, Your Life and Your Family Business	2.00 Hours

NFDA Professional Women's Conference – April 30-May1, 2022, Miami FL

Women at the Helm: The Future of Funeral Service	1.00 Hours
Setting goals to Accelerate Your Success: Practical Tips for Continued Achievement	1.00 Hours
Standing for Something Larger than Yourself	1.00 Hours
Imagining the Unimaginable: Supporting Families through the Death of a Child	1.50 Hours
Embalming Infants & Children: One of the Most Difficult Parts of the Job	1.50 Hours
Experience Matters: The Secret Engine Behind the Most Meaningful Innovation What's Your Style?	1.50 Hours

Wilbert Funeral Service

Clinical Case Report in Embalming Litigation Cases – May 12, 2022, webinar	1.00 Hours
It Starts with You and Your Staff – March 31, 2022, webinar	1.00 Hours
Starting from Scratch - April 14, 2022, webinar	1.00 Hours
Ceremonies for Today – April 28, 2022, webinar	1.00 Hours

WebCE

Practical Ideas for the Caregiver Community	1.00 Hours
From Donation to Goodbye	1.00 Hours
What Every Funeral Professional Should Know About Alkaline Hydrolysis	2.00 Hours
2022 Annual All-Staff FTC Training	2.00 Hours
Home Studies (Various)	2-10 Hours
Communicating with Today's Customer	3.00 Hours
Embalming & Restorative Arts Seminar	9.50 Hours
Workplace Safety: Upside Potential & Downside Risk	1.00 Hours
Women at Helm: The Future of Funeral Service	1.00 Hours

Massachusetts Funeral Directors Association (MFDA)

Post Pandemic: Funeral Service Update – March 15, 2022
Concord Colonial Inn 1.00 Hours
Massachusetts Statutes: The Right of Disposition Legislation – March 15, 2022
Concord Colonial Inn 1.00 Hours

New Jersey Funeral Service Education Corporation

Revealing Your Ethical Funeral Service Orientation

April 27, April 28, June 22, June 23, November 9, November 10 - webinar
September 20, September 21, September 22 - in-person at Harrah’s Waterfront Conference
Center, Atlantic City NJ 1.00 Hours

Bloodborne Pathogens

April 27, April 28, June 22, June 23, November 9, November 10 - webinar
September 20, September 21, September 22 - in-person at Harrah’s Waterfront Conference
Center, Atlantic City NJ 1.00 Hours

Formaldehyde and Hazard Communication

April 27, April 28, June 22, June 23, November 9, November 10 - webinar
September 20, September 21, September 22 - in-person at Harrah’s Waterfront Conference
Center, Atlantic City NJ 1.00 Hours

International Cemetery, Cremation and Funeral Association (ICCFA)

Annual Convention - March 22-25, 2022
Mandalay Bay Resort & Casino, Las Vegas, Nevada 14.00 Hours

After discussion, Ms. Leombruno moved to accept the Executive Director’s Report. Mr. Driscoll seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Not Present.”, Ms. Leombruno: “Yes.”.

Report from Board Counsel, Peter Kelley:

Mr. Kelley noted that topics raised by Ms. Perry in the report on scope of practice and regulations will be discussed at a subsequent meeting, however, the Board does not opine on statutory changes. Mr. Kelley queried the Board on the correspondence from Representative Chan regarding participation in the Department of Transitional Assistance (“DTA”) program as a requirement for licensure and registration. The Board noted that most funeral establishments do not have access to funds above \$1100, an amount set in 1978, per Medicaid subsidies and additional funding is contingent on decedent’s resources. The Board reported that in the past the medical examiner would secure such dead human bodies, but now declines to accept these.

After further discussion, Mr. Brezniak moved to accept Board Counsel’s report and instructed that the agency compose a response to Representative Chan and report back to the Board. Ms. Leombruno seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Not Present.”, Ms. Leombruno: “Yes”.

Discussion:

- Consumer Fact Sheet – Update

The Board reviewed a draft update of the Fact Sheet. After **discussion**, **Mr. Driscoll moved to form a subcommittee to continue revisions on the Fact Sheet. Members of the subcommittee will be the following: Patrick Driscoll, Janet Leombruno, Sandy Ward, Patti Muldoon, Margaret Nolan, and Barbara Kazmierczak. The subcommittee will meet at such mutually agreed upon times via Microsoft Teams and in compliance with open meeting laws. The subcommittee will report back to the Board at the subsequent meeting. Ms. Leombruno seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Not Present.”, Ms. Leombruno: “Yes”.**

- Requirements for Funeral Directors by endorsement

The Board reviewed the exam requirement in 239 CMR 3.02 (7) and discussed whether it may satisfy the Massachusetts written practical exam component for individuals seeking registration by endorsement. After further discussion, the Board took the following action: **Ms. Leombruno moved to interpret the phrase ‘Massachusetts examination’ in 239 Code Mass. Regs. § 3.072(7) to mean the Massachusetts jurisprudence examination provided the applicant has taken and passed a prior written practical examination (state or national), effective April 19, 2022. Mr. Driscoll seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Not Present.”, Ms. Leombruno: “Yes”.**

Open session for topics not reasonably anticipated 48 hours in advance of meeting:

Closed Session: Investigatory Conferences, pursuant to G.L. c. 112, §65C.

At 11:38 a.m., Ms. Leombruno moved to exit open session and enter closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C. Mr. Brezniak seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Not Present.”, Ms. Leombruno: “Yes”.**

During the closed session, the Board took the following actions:

- 2021-0000643-IT-ENF – Dismissed.
- 2021-0001081-IT-ENF – Tabled.
- 2021-0001077-IT-ENF – Dismissed.

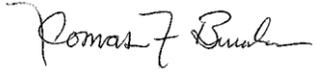
At 12:13 p.m., Mr. Brezniak moved to exit closed session and thereafter to adjourn the meeting. Mr. Driscoll seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Not Present.”, Ms. Leombruno: “Yes”.**

List of Documents used at the meeting:

1. Agenda

2. Board Public Session Minutes
3. ED Report of administratively approved registrants and CE provider courses
4. Draft of Consumer Fact Sheet
5. 239 CMR 3.02 (7)

Respectfully submitted,



Thomas F. Burke
Executive Director